

LOWENSTEIN SANDLER LLP

Arielle B. Adler, Esq. (adler@lowenstein.com)
Bruce Buechler, Esq. (bbuechler@lowenstein.com)
Joseph J. DiPasquale, Esq. (jdpasquale@lowenstein.com)
Jennifer B. Kimble, Esq. (jkimble@lowenstein.com)
Kenneth A. Rosen, Esq. (krosen@lowenstein.com)
Mary E. Seymour, Esq. (mseymour@lowenstein.com)
One Lowenstein Drive
Roseland, New Jersey 07068
(973) 597-2500 (Telephone)
(973) 597-2400 (Facsimile)

*Counsel to the Debtor and
Debtor-in-Possession*

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:

HOLLISTER CONSTRUCTION SERVICES, LLC,¹

Debtor.

Chapter 11

Case No. 19-27439 (MBK)

**NOTICE OF AGENDA OF MATTERS SCHEDULED
FOR HEARING ON JANUARY 16, 2020 AT 1:00 P.M. (ET)**

CONTESTED MATTERS GOING FORWARD

1. Debtor's Motion For Entry of Interim And Final Orders (A) Authorizing Use Of Cash Collateral, (B) Granting Adequate Protection, (C) Scheduling A Final Hearing, And (D) Granting Related Relief [Docket No. 14; Filed 9/11/19].

Related Documents:

- a) Application for Expedited Consideration of First Day Matters [Docket No. 16; Filed 9/11/19]
- b) Order regarding Debtor's Application for Expedited Consideration of First Day Matters [Docket No. 20; Entered 9/11/19]
- c) Affidavit of Service [Docket No. 47; Filed 9/13/19]

¹ The Debtor in this chapter 11 case and the last four digits of its taxpayer identification number is: Hollister Construction Services, LLC (5404).

- d) First Interim Order (I) Authorizing the Use of Cash Collateral, (II) Granting Adequate Protection, (III) Scheduling a Final Hearing and (IV) Granting Related Relief [Docket No. 90; Entered 9/16/19]
- e) Affidavit of Service [Docket No. 128; Filed 9/20/19]
- f) Notice of Filing of Proposed Second Interim Order (I) Authorizing the Use of Cash Collateral, (II) Granting Adequate Protection, (III) Scheduling a Final Hearing and, (IV) Granting Related Relief [Docket No. 147; Filed 9/23/19]
- g) Second Interim Order (I) Authorizing the Use of Cash Collateral, (II) Granting Adequate Protection, (III) Scheduling a Final Hearing and, (IV) Granting Related Relief [Docket No. 158; Entered 9/25/19]
- h) Affidavit of Service [Docket No. 164; Filed 9/25/19]
- i) Affidavit of Service [Docket No. 194; Filed 9/30/19]
- j) Third Interim Order (I) Authorizing the Use of Cash Collateral, (II) Granting Adequate Protection, (III) Scheduling a Final Hearing and, (IV) Granting Related Relief [Docket No. 219; Entered 10/2/19]
- k) Notice of Filing of Proposed Fourth Interim Order (I) Authorizing the Use of Cash Collateral, (II) Granting Adequate Protection, (III) Scheduling a Final Hearing and (IV) Granting Related Relief [Docket No. 267; Filed 10/7/19]
- l) Fourth Interim Order (I) Authorizing the Use of Cash Collateral, (II) Granting Adequate Protection, (III) Scheduling a Final Hearing and (IV) Granting Related Relief [Docket No. 338; Entered 10/17/19]
- m) Fifth Interim Order (I) Authorizing the Use of Cash Collateral, (II) Granting Adequate Protection, (III) Scheduling a Final Hearing and (IV) Granting Related Relief [Docket No. 359; Entered 10/22/19]
- n) Sixth Interim Order (I) Authorizing the Use of Cash Collateral, (II) Granting Adequate Protection, (III) Scheduling a Final Hearing and (IV) Granting Related Relief [Docket No. 463; Entered 11/8/19]
- o) Affidavit of Service [Docket No. 500; Filed 11/13/19]
- p) Seventh Interim Order (I) Authorizing the Use of Cash Collateral, (II) Granting Adequate Protection, (III) Scheduling a Final Hearing and (IV) Granting Related Relief [Docket No. 556; Entered 11/21/19]
- q) Eighth Interim Order (I) Authorizing the Use of Cash Collateral, (II) Granting Adequate Protection, (III) Scheduling a Final Hearing and (IV) Granting Related Relief [Docket No. 639; Entered 12/12/19]

- r) Affidavit of Service [Docket No. 712; Filed 12/24/19]
- s) Notice of Filing of Proposed Form of Ninth Interim Order (I) Authorizing The Use of Cash Collateral, (II) Granting Adequate Protection, (III) Scheduling a Final Hearing, And (IV) Granting Related Relief [Docket No. 680; Filed 12/18/19]
- t) Ninth Interim Order (I) Authorizing the Use of Cash Collateral, (II) Granting Adequate Protection, (III) Scheduling a Final Hearing and (IV) Granting Related Relief [Docket No. 688; Entered 12/19/19]
- u) Affidavit of Service [Docket No. 708; Filed 12/23/19]
- v) Affidavit of Service [Docket No. 712; Filed 12/24/19]
- w) Tenth Interim Order (I) Authorizing the Use of Cash Collateral, (II) Granting Adequate Protection, (III) Scheduling a Final Hearing and (IV) Granting Related Relief [Docket No. 776; Entered 1/10/20]

Objection Deadline: January 14, 2020 at 12:00 p.m.

Responses Received:

- x) Arch Insurance Company and Arch Reinsurance Company's Limited Objection to Limited Objection to Debtor's Motion for Entry of Interim and Final Orders (A) Authorizing Use of Cash Collateral, (B) Granting Adequate Protection, (C) Scheduling a Final Hearing, and (D) Granting Related Relief [Docket No. 32; Filed 9/12/19]
- y) Jordan Electric Inc.'s Limited Objection to Debtor's Motion for Entry of Interim and Final Orders (A) Authorizing Use of Cash Collateral, (B) Granting Adequate Protection, (C) Scheduling a Final Hearing, and (D) Granting Related Relief [Docket No. 72; Filed 9/15/19]
- z) Delcon Builders, Inc. and Pentel Drywall, Inc.'s Limited Objection To Debtor's Motion for Entry of Interim and Final Orders (A) Authorizing Use of Cash Collateral, (B) Granting Adequate Protection, (C) Scheduling a Final Hearing, and (D) Granting Related Relief [Docket No. 73; Filed 9/15/19]
- aa) Sparwick Contracting Inc.'s Limited Objection To Debtor's Motion for Entry of Interim and Final Orders (A) Authorizing Use of Cash Collateral, (B) Granting Adequate Protection, (C) Scheduling a Final Hearing, and (D) Granting Related Relief [Docket No. 86; Filed 9/16/19]
- bb) 10 Minerva Place, L.P. and 10 Minerva Place Housing Development Fund Corporation's Limited Objection To Debtor's Motion for Entry of Interim and Final Orders (A) Authorizing Use of Cash Collateral, (B) Granting Adequate Protection, (C) Scheduling a Final Hearing, and (D) Granting Related Relief [Docket No. 141; Filed 9/23/19]

- cc) 5 Bay Street Phase 1 LLC, 5 Bay Street Phase 1 Sponsor Member Inc. and 5 Bay Street Phase 3 LLC's Limited Objection To Debtor's Motion for Entry of Interim and Final Orders (A) Authorizing Use of Cash Collateral, (B) Granting Adequate Protection, (C) Scheduling a Final Hearing, and (D) Granting Related Relief [Docket No. 142; Filed 9/23/19]
- dd) Delcon Builders, Inc. and Pentel Drywall, Inc.'s Supplemental Objection and Reservation of Rights To Debtor's Motion for Entry of Interim and Final Orders (A) Authorizing Use of Cash Collateral, (B) Granting Adequate Protection, (C) Scheduling a Final Hearing, and (D) Granting Related Relief [Docket No. 143; Filed 9/23/19]
- ee) Nomad Framing Inc.'s Objection and Reservation of Rights to Debtor's Continued Motion for Use of Cash Collateral [Docket No. 179; Filed 9/27/19]
- ff) DeSesa Engineering Company, Inc.'s Limited Objection To Debtor's Motion for Entry of Interim and Final Orders (A) Authorizing Use of Cash Collateral, (B) Granting Adequate Protection, (C) Scheduling a Final Hearing, and (D) Granting Related Relief [Docket No. 211; Filed 10/2/19]
- gg) Objection and Reservation of Rights By Nomad Framing LLC with Respect to Debtor's Fourth Motion for Entry of Interim and Final Orders (A) Authorizing Use of Cash Collateral; (B) Granting Adequate Protection; (C) Scheduling Final Hearing; And (D) Granting Related Relief [Docket No. 268; Filed 10/7/19]

Status: This matter is going forward.

2. Application of Debtor to (I) Employ and Retain 10X CEO Coaching, LLC and (II) Designate Paul Belair as Chief Restructuring Officer for the Debtor Effective as of the Petition Date [D.I. 36; Filed 9/13/19]

Related Documents:

- a) Affidavit of Service [Docket No. 108; Filed 9/18/19]
- b) Certificate of Service [Docket No. 223; Entered 10/2/19]
- c) Affidavit of Service [Docket No 305; Filed 10/11/19]
- d) Interim Order Authorizing Debtors To (I) Employ And Retain 10X CEO Coaching, LLC And (II) Designate Paul Belair as Chief Restructuring Officer For The Debtor Effective As Of The Petition Date [Docket No. 350; Entered 10/21/19]
- e) Second Interim Order Authorizing Debtors To (I) Employ And Retain 10X CEO Coaching, LLC And (II) Designate Paul Belair as Chief Restructuring Officer For The Debtor Effective As Of The Petition Date [Docket No. 559; Entered 11/21/19]

- f) Affidavit of Service [Docket No 582; Filed 11/26/19]

Objection Deadline: Originally, October 2, 2019 at 4:00 p.m. (ET). Objections to entry of a final order granting the Application were due on January 9, 2020 at 4:00 p.m.

Responses Received:

- g) Limited Objection of PNC Bank, National Association To The Debtor's Applications For Entry Of Orders Authorizing The Retention And Employment Of (I) 10X CEO Coaching, LLC, (II) The Parkland Group, Inc. And (III) Lowenstein Sandler LLP [Docket No. 206; Filed 10/1/19]
- h) Objection of the Official Committee of Unsecured Creditors of Hollister Construction Services, LLC to the Debtor's Retention of 10X CEO Coaching, LLC [Docket No. 225; Filed 10/2/19]
- i) Debtor's Response to Objection of The Official Committee of Unsecured Creditors of Hollister Construction Services, LLC to the Debtor's Retention of 10X CEO Coaching, LLC [Docket No. 535; Filed 11/18/19 [Docket No. 278; Filed 10/8/19]

Status: The Debtor will be submitting a proposed final order at or in advance of the January 16, 2020 hearing.

3. Motion of Herc Rentals, Inc. For Entry Of An Order (1) Lifting the Automatic Stay Pursuant to 11 U.S.C. §362 and (2) Permitting Herc Rentals, Inc. to Remove its Property from Various Projects (“Herc Stay Relief Motion”) [Docket No. 368; Filed 10/23/19], with respect to the Latitude, Hub and FDU Projects only.

Related Documents:

- a) Certificate of Service filed by Herc Rentals, Inc. [Docket No. 423; Filed 11/6/19]
- b) Certificate of Service filed by Arch Insurance Company and Arch Reinsurance Company [Docket No. 465; Filed 11/8/19]
- c) Determination of Adjournment Request (Granted) [Docket No. 685; Filed 12/19/19]
- d) Order Granting in Part the Motion of Herc Rentals, Inc. (1) Lifting the Automatic Stay Pursuant to 11 U.S.C. § 362 and (2) Permitting Herc Rentals, Inc. to Remove its Property from Various Projects (“Order Granting Herc's Motion in Part”) [Docket No. 704; Entered 12/23/19]
- e) Determination of Adjournment Request (Granted) [Docket No. 722; Filed 12/30/19]

- f) Determination of Adjournment Request (Granted) [Docket No. 759/Filed 1/8/20]

Objection Deadline: Originally, November 8, 2019 at 5:00 p.m. (ET) and extended for the Debtor to November 14, 2019 at 10:00 a.m. (ET)

Responses Received:

- g) Limited Objection and Reservation of Rights by Arch Insurance Company and Arch Reinsurance Company to Herc Stay Relief Motion [Docket No. 462; Filed 11/7/19]
- h) Debtor's Limited Objection to Herc Stay Relief Motion [Docket No. 503; Filed 11/14/19]

Status: This portion of the Herc Stay Relief Motion was adjourned from the 1/9/20 hearing. The Debtor and Herc are negotiating a resolution of this matter, with the goal of submitting a consent order at or prior to the hearing.

The portion of the Herc Stay Relief Motion concerning the Rutgers Fuel Tank only was withdrawn under the Order Granting Herc's Motion in Part [Docket No. 704].

4. Herc Rentals, Inc.'s Amended Application For Allowance And Payment Of Administrative Expense Claim Pursuant To 11 U.S.C. § 503(b)(1)(A) (the "Application") [D.I. 607; Filed 12/5/19]

Related Documents:

- a) Application For Allowance And Payment Of Administrative Expense Claim Pursuant To 11 U.S.C. § 503(b)(1)(A) [Docket No. 546; Filed 11/20/19]
- b) Determination of Adjournment Request (Granted) [Docket No 715; Filed 12/26/19]

Objection Deadline: Originally, December 26, 2019 at 4:00 p.m. (ET), extended for the Debtor to January 15, 2020 at 10:00 a.m. (ET).

Responses Received:

The Debtor anticipates filing an objection to the Application.

Status: This matter is going forward.

UNCONTESTED MATTERS GOING FORWARD

5. Debtor's Motion for Entry of One or More Orders Approving Various Settlements and Compromises By and Among the Debtor, Project Owners and Subcontractors Pursuant to Fed. R. Bankr. P. 9019 and Granting Related Relief, with respect to

Saxum Real Estate Companies LLC, SAF 40 Beechwood, LLC and Energy Capital Partners Management, LP only [Docket No. 631; Filed 12/11/19]

Related Documents:

- a) Application for Order Shortening Time [Docket No. 632; Filed 12/11/19]
- b) Order Granting Application to Shorten Time [Docket No. 634; Entered 12/12/19]
- c) Affidavit of Service [Docket No. 673; Filed 12/17/19]
- d) Order Granting Debtor's Motion To Approve Of A Settlement Agreement By Between Hollister Construction Services, LLC, Umdasch Real Estate USA, Ltd. And Subcontractor [Docket No. 691; Entered 12/20/19]
- e) Determination of Adjournment Request (Granted) [Docket No. 717; Filed 12/26/19]
- f) Affidavit of Service [Docket No. 718; Filed 12/27/19]
- g) Determination of Adjournment Request (Granted) [Docket No. 731; Filed 1/3/20]
- h) Notice of Filing of Revised Amended Settlement Agreement by and between the Debtor and Saxum Real Estate Companies LLC [Docket No 778; Filed 1/10/20]

Objection Deadline: For all parties, January 9, 2020 at 4:00 p.m. (ET), and for PNC Bank and the Committee, January 14, 2020 at 4:00 p.m. (ET).

Responses Received:

- i) None received to date.

Status: The Debtor, the Committee and PNC Bank are working to resolve certain concerns. This matter is going forward.

- 6. Felix Moran's Motion To Lift Automatic Stay [Docket No. 695; Filed 12/20/19]

Related Documents:

- a) None.

Objection Deadline: January 9, 2020 at 4:00 p.m. (ET).

Responses Received:

- b) None received to date.

Status: The parties are working on an agreed upon form of order to resolve this motion.

Dated: January 14, 2020

LOWENSTEIN SANDLER LLP

/s/ Kenneth A. Rosen

Kenneth A. Rosen, Esq.
Bruce Buechler, Esq.
Joseph J. DiPasquale, Esq.
Mary E. Seymour, Esq.
Jennifer B. Kimble, Esq. (pro hac vice)
Arielle B. Adler, Esq.
One Lowenstein Drive
Roseland, New Jersey 07068
(973) 597-2500 (Telephone)
(973) 597-2400 (Facsimile)
krosen@lowenstein.com
bbuechler@lowenstein.com
jdpasquale@lowenstein.com
mseymour@lowenstein.com
jkimble@lowenstein.com
aadler@lowenstein.com

Counsel to the Debtor and Debtor-in-Possession